

REVISED 04-13

CITY OF HIAWASSEE  
2013 RETAIL APPLICATION FOR **RENEWAL** OF A LICENSE FOR THE SALE OF  
MALT BEVERAGES AND WINE

**RETAIL - FOR CONSUMPTION OFF PREMISES ONLY**

The undersigned applicant does hereby certify under oath to the following facts in connection with this application under the penalty of law:

IN THE EVENT OF ANY CHANGE IN THE INFORMATION PROVIDED IN THIS APPLICATION, THE APPLICANT SHALL ADVISE THE CITY OF HIAWASSEE OF SUCH CHANGE IN WRITING WITHIN TEN (10) DAYS OF SAID CHANGE.

**PLEASE ATTACH A COPY OF APPLICAT'S DRIVER'S LICENSE OR  
GOVERNMENT ID.**

Name of Applicant: \_\_\_\_\_

Name of Retail Outlet: \_\_\_\_\_

Location of Retail Outlet: \_\_\_\_\_

Telephone Number of Retail Outlet: \_\_\_\_\_

Name of Contact Person (24 Hours): \_\_\_\_\_

Address of Contact Person: \_\_\_\_\_

Telephone Number(s) of Contact: \_\_\_\_\_

Owner of Retail Outlet: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Telephone Number of Owner: \_\_\_\_\_

Type of business of Owner:

Sole proprietorship; \_\_\_\_ Partnership: \_\_\_\_ Corporation: \_\_\_\_

LLC: \_\_\_\_ other, please specify below:

Georgia Sales Tax Number; \_\_\_\_\_.

Federal Tax Number (EIN or SSI): \_\_\_\_\_.

The applicant hereby certifies under Oath and Penalty of Law as follows:

- (a) that the Applicant or Applicants Representative filing the Application is at least 21 years of age;
- (b) that the applicant has been a bona fide resident of Towns County for at least 6 months immediately preceding the date of this Renewal application or has been in operation in Towns County for at least 6 months preceding the date of this Renewal Application;

Or: If not a resident, that a Variance was granted by the Hiawassee Council on

\_\_\_\_\_.

- (c) That the applicant has not been convicted within ten years of the date of this application of any felony in any county, state, federal or local court nor convicted of any violation of the laws of this State or the federal government relating to the sale of alcoholic beverages, gambling or taxes, and/or any misdemeanor involving moral turpitude. A plea of nolo contendere for any felony or misdemeanor of any state or of the United States, or any municipal ordinance, except traffic violations, or the forfeiture of a bond (except traffic offenses) when charged with a crime is considered a conviction.

\_\_\_\_\_ If checked, the Applicant requested the City Council to waive conviction of a misdemeanor and the Council determined that such conviction had no bearing on whether or not the applicant can or cannot operate a retail outlet in accordance with municipal, state and federal law and such Variance was granted on \_\_\_\_\_.

- (d) That the applicant has not have been denied or had revoked for cause within five years of the date of this renewal application, any license issued by the City of Hiawassee and/or any other city, county and/or state to sell alcoholic beverages of any kind.
- (e) That the Applicant/licensee shall be active in the operation of the outlet and personally present on the premises sufficiently to assure compliance with the provisions of the City

of Hiawassee Ordinance for the Retail Sales of Beer and Wine.

That if the owner of the outlet is a corporation, the corporation and its principal officers shall also be responsible for the operation of the retail outlet.

That the Applicant does not owe any delinquent taxes, and/or assessments to the City of Hiawassee.

That the Applicant does possess a 2013 City of Hiawassee Occupancy Tax/Business License or made application therefore with payment of the fee of \$100.00.

That the nearest church building, school building, educational building, or college campus Building is more than 150 feet from the nearest property line of the retail premises.

That this application is fully completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths;

If the application is filed on behalf of a partnership, that all partners have signed the application in the presence of a notary public or other officer authorized to Administer oaths; and

That if the application is filed on behalf of a corporation, then all principal officers of the corporation and all stockholders holding more than ten percent of any class of corporate stock have signed the application in the presence of a notary public or other officer authorized to administer oaths.

The applicant hereby authorizes the City of Hiawassee, its Mayor, its Manager, its Police Chief and officers and employees to use information contained in its application in a public hearing if necessary, to determine whether the applicant's license should be denied, voided, canceled and/or revoked.

Each applicant hereby waives any right or rights he, she or it may have under state or federal law, statute and/or court ruling to preclude the City from securing a criminal and/or civil history from any source and waives any right he, she or it may have to preclude the City from using such information publicly in determining whether the license will be issued to such applicant.

Attached hereto is a certified check for the full amount of the license fee for \$1,250.00.

The Applicant hereby certifies that the applicant has read The City of Hiawassee Ordinance for the Retail Sale of Beer and Wine and covenants that if the license is granted, the Applicant shall maintain a copy of said Ordinance on the premises and shall require each of licensee's employees to be familiar with the Ordinance.

The Applicant hereby certifies that Applicant understands and agrees to the following procedure for renewal. Once an application, the accompanying documents, and the required investigative and license fees are filed with the City Council through the Mayor and Manager, a copy of the application and all accompanying documents shall be referred to the City Police Department, the Manager and the City Attorney for a review and investigation.

The City Police Department shall make a written report to the Mayor, Manager and City Council regarding the qualifications of the applicants. If the report of the Police is favorable and the Mayor, the City Manager and the City Attorney find that the applicant meets the qualifications outlined by this Ordinance.

The Mayor or City Manager shall schedule the application for a hearing at the next regularly scheduled City Council meeting and shall so inform the applicant of this fact before such meeting. The Mayor or Manager may instruct the applicant to publish, prior to said meeting, in the newspaper which publishes the legal advertisements of the County, a notice in boldface type of applicant's intent to secure a license for the sale of malt beverages and wine for consumption off premises; the exact location of the place of business for which a license is sought; the names and addresses of each owner of the business; and if the applicant is a corporation, the names and titles of all corporate officers.

If the report of the Police is unfavorable, or if the Mayor or Manager finds that the applicant fails to meet all of the qualifications outlined by the Ordinance, then the Mayor or Manager shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal under this ordinance.

Upon written request, the applicant or any person opposed to said application has the right to present to the City Council any information that the City Council determines is relevant to the licensing decision. In making its determination on whether to approve or deny the application, the City Council shall look to the public interest and welfare and shall have the sole discretion to grant or deny the application based on the information presented in hearing or in writing to the Council.

A decision by the City Council shall be made within thirty (30) days from the date of any City Council hearing on the Application.

In all instances in which an application is denied under the provisions of this Ordinance, the applicant may not reapply for the same type of license for at least one year from the final date of such denial.

The Applicant hereby certifies, acknowledges and agrees that upon the issuance of a license, the licensee shall have and continuously maintain in Towns County, a registered agent upon whom any process, notice or demand required or permitted by law, or under this Ordinance to be served upon the licensee may be served. This person must be an individual and must be a resident of Towns County, Georgia. The licensee shall file the name of such agent, along with the written consent of such agent, with the Mayor in such form as the Mayor may prescribe prior

to the sale of any beverage under an approved license.

The Registered Agent for the Applicant is:

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Name

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Address

**Affidavit Pursuant to Georgia Immigration Laws**

Note: As a prerequisite to certain interactions with government entities, Georgia Law requires an affidavit regarding the subjects indicated herein.

I have executed this Affidavit as an applicant for a Public Benefit. I understand that Public Benefits include certain license as defined in O.C.G.A. Section 50-36-1, and as defined by the Attorney General of the State of Georgia.

Attached hereto is my completed Affidavit pursuant to Georgia Immigrations Laws and O.C.G.A. Section 50-36-1, said Affidavit being incorporated herein and made a part and condition of the requirements for the issuance of a license for a regulated business.

The undersigned Applicant understands that this application is being provided under Oath and that the providing of any false information herein may be punished as a crime. By filing this application, the Applicant agrees to the above conditionals and covenants to follow same.

AFFIANT/Applicant does hereby state under oath and Penalty of Law that the information provided herein is true and correct as of the date of this application.

1. I am over the age of 18, of sound mind, and am competent to make this Affidavit.
2. I execute this Affidavit as an applicant for a Public Benefit as referenced and defined in O.C.G.A. Section 50-36-1, and as defined by the Attorney General of the State of Georgia.
3. I submit this affidavit on behalf of \_\_\_\_\_(self or business entity).
4. With respect to my personal presence in the United States, I state as follows:
  - a) I am a United States citizen. OR
  - b) I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act lawfully present in the United States.
  - c) I have provided my Alien Registration Number or, in the event I do not have an Alien Registration Number, I have provided another identifying number below.

SWORN BEFORE ME UNDER PENALTY OF LAW:

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